

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57100 of 2018

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Sanjay Kewat, S/o Late Surendra Kewat, resident of Daldaliganj, Deep Nagar, Road No. 4, P.S.- Mehadiganj, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Tilak Sao, Advocate.

For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-09-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 302, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 16.07.2018 at 6 P.M., Mangal Dom (deceased), the brother of the informant, was going towards Domkhana Daldaliganj from Domkhana with Rakesh Kumar, Sanaj Kumar Manjhi and Ranjan Kumar. The deceased Mangal Dom was talking with mother of Sanjay Kewat (petitioner). In the meantime, Sanjay Kewat and 4-5 unknown persons armed with pistol came there and started firing. On hearing of sound of firing, Durga Dom, brother of the deceased,



went there and saw co-accused Sonu, Monu @ Natu Paswan, Sunni Kewat, Bobby Kewat, Pramod @ Bauna, Sandeep @ Funnu armed with pistol and Sonu shot one firing from the back side of the deceased and earlier co-accused Sunni Kewat shot Mangal Dom. Sanjay Kewat and others fled away. The injured was admitted in N.M.C.H., Patna where he died. The reason behind the occurrence is said to be old enmity.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. No overt act is alleged against the petitioner. Specific allegation is made against co-accused Sonu and Sunny Kewat who have fired upon the deceased causing his death.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The place of occurrence is in front of house of the petitioner. The petitioner was also seen fleeing away from the place of occurrence as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Mehadiganj P.S. Case No. 58/18,



pending in the court of learned S.D.J.M., Patna City.

Anyhow, if the petitioner surrenders and prays for regular bail in the court below, the same shall be considered and disposed of on its own merit without being prejudiced by this order of the Court.

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(Sudhir Singh, J)

